

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MODERN FORE INDIANA, LLC, a)
Delaware Limited Liability Company,)

Plaintiff,)

-vs-)

Case No. CIV-20-1241-F

EMKADE DISTRIBUTION USA,)
INC., an Oklahoma Corporation, and)
EMKADE DISTRIBUTION INC., a)
Canadian Corporation,)

Defendants.)

ORDER


The court has a duty to inquire into its own jurisdiction. Tuck v. United Services Automobile Assoc. 859 F.2d 842, 844 (10th Cir. 1998). Upon review of the complaint, it is apparent the court's subject matter jurisdiction is based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). The complaint, however, fails to adequately allege facts regarding the citizenship of the parties.

The complaint alleges that plaintiff is a limited liability company, but it does not allege sufficient information to show the citizenship of that entity. The citizenship of a limited liability company is determined by the citizenship of its members. Siloam Springs Hotel, L.L.C. v. Century Surety Co., 781 F.3d 1233, 1234 (10th Cir. 2015). Accordingly, for the court to determine whether facts are alleged in support of diversity, the complaint must identify each of the members of the

limited liability company, and each member's specific¹ state(s) of citizenship, down through all levels of membership.²

Plaintiff, as the party invoking this court's jurisdiction, is **DIRECTED** to file, within fourteen days of the date of this order, a first amended complaint which provides the missing jurisdictional information identified in this order. Absent compliance, this action may be dismissed without prejudice.

IT IS SO ORDERED this 11th day of December, 2020.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

20-1241p001.docx

¹ See, Simmons v. Rosenberg, 572 F. Supp. 823, 825 (E.D.N.Y. 1983) (merely averring that a party is a citizen of a state other than the State of New York is “clearly insufficient to establish diversity jurisdiction”).

²For example, if a member is an individual, then jurisdictional information is required regarding the individual's specific state of citizenship. If a member is an entity, then the nature of the jurisdictional information required depends on the type of entity.